

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No.: 11-CR-20748

v.

HON. GEORGE CARAM STEEH

LEWIS KEVIN BELL,

Defendant.

_____ /

ORDER DENYING DEFENDANT'S MOTION FOR NEW TRIAL (#49)

On January 3, 2013, defendant Lewis Kevin Bell, acting *pro se*, filed a motion for new trial (#49). However, defendant is represented in this action by counsel. It appears defendant is attempting to proceed in a "hybrid" fashion, both through counsel and *pro se* by way of his submission. See McKaskle v. Wiggins, 465 U.S. 168, 183 (1984). Although the Sixth Amendment guarantees a defendant the right to conduct his own defense by representing himself, the right as defined by the Supreme Court "does not require a trial judge to permit 'hybrid' representation." Id.; see also United States v. Mosely, 810 F.2d 93, 97-98 (6th Cir. 1987) (finding district court did not abuse its discretion in disallowing hybrid representation). This court, in the exercise of its discretion, will not allow defendant to proceed in a hybrid manner. Defendant's *pro se* motion is therefore denied and defendant is instructed to proceed through counsel in seeking any relief unless he elects to exercise his right to proceed without counsel.

The court also notes that the motion is untimely under Federal Rule of Criminal Procedure 33(b)(2).

IT IS SO ORDERED.

Dated: January 15, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on January 15, 2013, by electronic and/or ordinary mail and on Kevin Lewis Bell, #46493-039, Federal Correctional Institution, P. O. Box 1000, Milan, MI 48160.

s/Barbara Radke
Deputy Clerk